

ORIGINAL

**FILED**  
**DISTRICT COURT OF GUAM**

DEC 28 2007

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*Clerk of Court*

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8

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE TERRITORY OF GUAM**

11  
12 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 07-00064  
13 Plaintiff, ) **UNITED STATES' RESPONSE TO**  
14 vs. ) **DEFENDANT'S MOTIONS**  
15 IN HYUK KIM, a/k/a Dominic, )  
16 Defendant. )  
17

18 **FACTUAL SUMMARY**

19 The primary investigator on this case was ICE Special Agent John Duenas. Guam has a  
20 Korean Tourist Visa Waiver program which allows Korean citizens to enter Guam as tourists for  
21 15 days, without applying for a visa in advance of their entry to the United States. When a  
22 Korean citizen who wishes to enter as a tourist arrives at the Guam International Airport, he  
23 receives two forms, an I-736 Guam Visa Waiver Information form, and a Form I-94, which  
24 consists of two parts. The tourist is required to execute the I-736 and the entire I-94. When he  
25 passes through Customs & Border Patrol (CBP), the inspector collects the I-736 form and the top  
26 part of the I-94 form. The bottom portion of the I-94 is stapled into the tourist's passport. The  
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1 two forms retained by the CBP inspector are mailed to ACS-INS-SBU Data Input Center, which  
2 enters this arrival information into the Treasury Enforcement Computer System (TECS). Thus,  
3 CBP has a record of the tourist's date of entry.

4 When the tourist returns to Korea, he presents his passport to an airline ticket counter  
5 employee, and the airline employee removes the remaining part of the I-94 form from the  
6 tourist's passport. The I-94 forms provided by the passengers and the flight passenger manifest  
7 are submitted by the airline to CBP. In turn, an agent of CBP mails the collected I-94 forms to  
8 the Data Input Center, where the date of the tourist's departure is entered into the computer.

9 Beginning in early 2006, S/A Duenas received information that many of the Korean  
10 women working at night clubs and bars in the Tumon Bay tourist area had entered Guam on the  
11 Korean tourist visa waiver program and had overstayed their 15-day limit for the purposes of  
12 obtaining employment. The informant, Mike Park, told S/A Duenas that the owners of these  
13 night clubs were giving their employees' I-94 forms to an employee of Korean Air, and paying  
14 this individual to file the I-94 forms so that it would appear that the Korean women had returned  
15 to Korea, when in fact they were still employed on Guam. Park identified the Korean Air  
16 employee as the defendant, In Hyuk Kim, and further said that one of the nightclub owners was  
17 Mi Kyung Bosley, aka Mi Kyung Park.

18 S/A Duenas caused Park to approach Bosley and ask if she would help him keep three  
19 Korean women on Guam, by filing their I-94 Forms to make it appear that they had left within  
20 the prescribed 15 days. Bosley said she would have to contact a person whom she referred to as  
21 "Dominic." This person was subsequently identified as the defendant. On November 2, 2006,  
22 Park telephoned Bosley to tell her that the Korean's visas expired the next Sunday and to verify  
23 whether Bosley's partner would agree to help him. Bosley said she would need to check with the  
24 defendant, and that she would need the women's I-94 forms and their passports. The transcript  
25 of this conversation is attached hereto as Exhibit 1. ICE intended to use three I-94 forms which

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1 had been taken at various times by CBP from Koreans who had been denied entry; agents also  
2 had photocopies of their passports.

3       On November 6, 2006, Park telephoned Bosley to ask whether she had been able to talk  
4 to the defendant, but she said he was sleeping. Bosley advised that the price per persons would  
5 be \$400. She agreed to meet Park at 9 p.m., and remarked that she would be meeting the  
6 defendant about 10 p.m. (Exhibit 2). Later that afternoon, Bosley called Park, and they agreed to  
7 meet Bosley at King's Restaurant in Harmon. Park wore a transmitter to the meeting, where he  
8 and Bosley discussed how the general scheme worked, and that many women had over stayed on  
9 Guam to work as a result. Park asked how the women could finally return home, if they no  
10 longer had the I-94s in their passports, and wondered how "In Hyuck" accomplished all this.  
11 Bosley said the "immigration side" of the operation would be working at the airport on the days  
12 the women wanted to leave and would "help us out, work that day then those ladies successfully  
13 depart with out getting in trouble." Park delivered the set of three I-94 forms, copies of the  
14 subjects' passports, and \$1,400. At the very end of the meeting, Bosley received a call on her  
15 cell phone. She told the caller she was there with Mike, and that she could meet him (the caller)  
16 that day. The caller told Bosley that he needed to know a week in advance when the Koreans  
17 would attempt to leave Guam: "He says he has to know one week ahead time and days off are  
18 Friday and Saturday right now." Bosley was followed to the Mai'ana Hotel, where she waited in  
19 the parking lot. About 9:09 p.m. a green Toyota 4 Runner, license MTE 2346, pulled along side  
20 Bosley's car. Bosley got out of her car, walked over to the driver's window of the 4 Runner, then  
21 back to her own vehicle. Agents followed the 4 Runner, which was registered to Young S. Kim,  
22 to the employee's parking lot at the airport. Task Force Agent Erwin Ferjeran personally knew  
23 the defendant, and observed him leave the 4 Runner, enter the airport, and pass behind the Korea  
24 Air check-in counter.

25       S/A Duenas decided to attempt another transaction. On November 18, 2006, he had Park  
26 call Bosley and propose another meeting to discuss two matters: that another Korean woman who  
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1 wanted to remain on Guam illegally, and that one of the women whose I-94 had been given to  
2 Bosley, now wanted to return to Korea. They arranged to meet at King's later that day, and Park  
3 again wore a transmitter. He was given \$800 and an I-94 form purportedly from the woman who  
4 wanted to remain on Guam. He and Bosley met about 8:38 p.m. Their conversation is  
5 transcribed as Exhibit 4. Park queried Bosley on whether she was sure that the defendant, who  
6 was also referred to as "Dominic," was really filing the I-94 forms with CBP, and how people  
7 were able to re-enter the U.S. Bosley stated at one point: "Yes. In Hyuck said he can't be ensure  
8 100 percent but he promises he does, but sometime just their luck. He can't erase personal date  
9 record, he only does remove departure record ..." Bosley received \$800 from Park and drove  
10 directly to the Mai'ana Hotel parking lot again. At about 9:42 p.m. the same green Toyota 4  
11 Runner pulled in next to her, Bosley got out of her car again briefly, then the 4 Runner was  
12 followed to the airport, where the defendant was observed to park it in the employee's parking lot  
13 again, and walk into the airport. About 9:55, Park received a call from Bosley, who said she  
14 gave the \$800 to Dominic, but that Dominic needed the e-ticket number for the woman who  
15 wanted to leave Guam. Bosley also said that when this woman went to the check-in counter, she  
16 should be sure to go to Dominic.

17 S/A Duenas was concerned because none of the I-94 forms which defendant had been  
18 paid to file had been recorded in the TECS system yet. He directed Park to attempt to meet  
19 directly with the defendant to learn the status of those I-94 forms. Park talked to the defendant  
20 January 13, and called him on January 16 to arrange a meeting at King's that day. Defendant  
21 arrived at King's about 6:07 p.m., driving the same green Toyota 4 Runner, and met with Park.  
22 That transcript is attached here to Exhibit 5. Defendant acknowledged he had received money  
23 from Bosley for the first three women who wanted to overstay, but Bosley had not given him  
24 money for the woman who wanted to leave. Defendant also mentioned the he was being assisted  
25 by a corrupt Customs official, who had caught him and agreed to allow him to continue this  
26 scheme for a cut of defendant's fee.

1 There were two more recorded conversations about having paid for the woman who  
2 wanted to leave, Park to Bosley on February 7, 2007, (Exhibit 6), and Park to the defendant on  
3 the same day (Exhibit 7).

4 Bosley and the defendant were indicted July 25, 2007. Bosley has fled to Korea; the  
5 Department's Office of International Affairs is preparing the extradition request. Defendant was  
6 arrested in the employee's parking lot after he left work, about 5:10 a.m. He was transported to  
7 the ICE office, advised of his *Miranda* rights, and signed a written waiver (Exhibit 8). He wrote  
8 a statement confessing to his involvement in this crime (Exhibit 9), and gave agents a detailed  
9 explanation of what he had been doing (Exhibit 10).

10 I. SUFFICIENCY OF THE INDICTMENT

11 Defendant contends that the indictment is insufficient because it fails to allege that "either  
12 of the defendants actually committed alien smuggling." The Manual of Model Criminal Jury  
13 Instructions, 2003 Ed., Section 8.16, in pertinent part advises the jury as follows:

14 "A conspiracy is a kind of criminal partnership—an agreement of  
15 two or more persons to commit one or more crimes. The crime of  
conspiracy is the agreement to do something unlawful; it does not  
matter whether the crime agreed upon was committed."

16 It is well settled that the crime of conspiracy is complete when the agreement is made.  
17 "Since it is the unlawful agreement and not its accomplishment which is the gist of the crime of  
18 conspiracy, actual commission of the underlying crime does not constitute an essential element of  
19 criminal conspiracy." 16 Am. Jur. 2d Conspiracy § 10. For many years the rule has been that the  
20 "accomplishment of the conspiracy's goal is immaterial to the crime." United States v. Rueter,  
21 536 F.2d 296 (9<sup>th</sup> Cir. 1976), *citing United States v. Bayer*, 331 U.S. 532 (1947).

22 Thus, it is irrelevant that the conspirators, Mi Kyung Bosley and the defendant, did not  
23 actually commit the crime of alien smuggling. The government need only prove that they agreed  
24 to commit the crime, and did at least one overt act in furtherance of the scheme.

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## II. STATEMENTS OF CO-CONSPIRATOR BOSLEY

2 Next, defendant moves to exclude from trial all statements made by Bosley during the  
3 course of the conspiracy, which would include the telephone conversations between Park and  
4 herself, and the conversations at King's. The authority he cites, however, concerns pretrial  
5 confessions, made by individuals after a conspiracy has been terminated. As such, they are  
6 hearsay and inadmissible against a confederate. Bosley's statements are not hearsay. Federal  
7 Rule of Evidence 801(d)(2) provides in pertinent part:

(d) Statements which are not hearsay. A statement is not hearsay if—...

(2) Admission by part-opponent. The statement is offered against a party and is ... (E) a statement by a coconspirator of a party during the course and in furtherance of the conspiracy.

11 The rule goes on to provide, however, that the statements alone are not sufficient to establish the  
12 conspiracy/agency relationship or the existence of the conspiracy.

13 Before statements of coconspirators may be considered by the jury, the court must  
14 determine that there is sufficient evidence to establish, by a preponderance of the evidence, that a  
15 conspiracy existed and that the defendant was involved in it. Bourjaily v. United States, 483 U.S.  
16 171 (1987). United States v. Layton, 720 F.2d 548, 555 (9<sup>th</sup> Cir. 1983) (*Layton I*), held that

“Before admitting a statement of a co-conspirator into evidence against a defendant, the court must have independent evidence of the conspiracy and of the defendant’s connection to it, and must conclude that the statement was made both during and in furtherance of the conspiracy.”

20 To have been made in furtherance of the conspiracy, the statements must further the common  
21 objective of the conspiracy, or set in motion transactions that are an “integral part” of the  
22 conspiracy. *Id.* at 556.

23 For the government to prove the existence of a conspiracy, it must “establish a prima  
24 facie case through the introduction of substantial independent evidence other than the contested  
25 hearsay.” United States v. Perez, 658 F.2d 654, 658 (9<sup>th</sup> Cir. 1981). Once a conspiracy has been

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1 proven, only "slight evidence" is necessary to connect the defendant with the conspiracy. Id.,  
2 citing United States v. Weaver, 594 F.2d 1272, 1274 (9<sup>th</sup> Cir. 1979).

3 Typically, the government's order of proof, if it is to proceed logically, will include  
4 statements of co-conspirators as well as other independent evidence. The courts allow for such  
5 an arrangement. "There is no immutable order of proof. The contested statements may be  
6 admitted conditionally as long as the court in the proper exercise of its discretion determines that  
7 a motion to strike could cure defects resulting from insufficient proof of the necessary  
8 preliminary facts." Perez, 658 F.2d 658.

9 Here, there is ample evidence to show that a conspiracy had occurred, and that the  
10 defendant was a part of it. Certainly, Bosley's statements were made in furtherance of the  
11 conspiracy. The independent evidence, absent her statements, is the two meetings at King's, her  
12 subsequent rendezvous with the defendant at the Mai'ana Hotel, and the defendant's own  
13 statements, which he made at King's on January 16.

### 14 III. SUPPRESSION OF DEFENDANT'S CONFESSION

15 The government must prove by a preponderance of the evidence that defendant's  
16 confession was voluntary. Lego v. Twomey, 404 U.S. 477, 489 (1972). The issue will be  
17 whether defendant's will was overborne in such a way that his statement was coerced. He  
18 appears to apply the "but for" test, that but for the police representing he would be immediately  
19 released, he would not have confessed. This is not the correct test. Rather, the issue is whether,  
20 the totality of the circumstances, his confession was coerced. Arizona v. Fulminante, 499 U.S.  
21 279, 285 (1991). Not all the promises made to a defendant rise to the level of coercion. In  
22 People of Territory of Guam v. Muna, 999 F.2d 397 (9<sup>th</sup> Cir. 1993), the police handcuffed the  
23 defendant during the ride to the station, and told him that other codefendants had implicated him  
24 in the crime, and further threatened to impound his car unless he confessed. "We conclude that  
25 these actions are not sufficient to render Muna's confession involuntary." Id. at 400. In United  
26 States v. Leon Guerrero, 847 F.2d 1363 (9<sup>th</sup> Cir. 1988), the AUSA told the defendant that his  
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1 cooperation would be taken into account in any cases which involved him. The court  
2 subsequently affirmed the voluntariness of his confession. The broadly stated rule, that  
3 confessions may not be induced by direct or implied promises, "has not been applied to  
4 invalidate, per se, all statements made by a suspect in response to a promise made by law  
5 enforcement personnel. The promise must be sufficiently compelling to overbear the suspect's  
6 will in light of all attendant circumstances" *Id.* at 1366. Such was the case in United States v.  
7 Tingle, 658 F.2d 1332 (9<sup>th</sup> Cir. 1981), where agents cited the extreme penalties for bank robbery  
8 and told the defendant that she would not see her two-year old child for a long time, in an effort  
9 to make her confess.

10 As a practical matter, this issue will not be resolved on the nature of the promises made  
11 defendant, because no such statements were made. This issue will come down to a question of  
12 credibility. Defendant's declaration contradicts the physical evidence, when he says that he was  
13 only given his *Miranda* warnings in the police car. Necessarily, he received them a second time,  
14 when he was in the ICE office, because the advice of rights form he signed contained the  
15 *Miranda* warnings as well (Exhibit 8), directly above his signature. He contends that the sole  
16 reason he confessed was the agents' promise that he would be immediately released "as if  
17 nothing had happened." It is incredible that the agents would make such a representation. They  
18 arrested him pursuant to a court order, which directed them to bring the defendant before the  
19 court forthwith. If, as defendant alleges, he would be released and his arrest would be kept  
20 secret, how could he ever be prosecuted for this offense? His declaration should be rejected as  
21 untruthful.

22 IV. WHETHER DEFENDANT'S STATEMENTS CONCERN OTHER ACTS

23 Much of defendant's written statement is not relevant to this case, because it concerns an  
24 investigation into drug traffickers, particularly Young Sik Kim. The government does intend to  
25 introduce defendant's admissions that he had taken money from Bosley for the purpose of  
26 submitting four I-94 forms to CBP, so that they would be entered into the TECS system and

1 reflect that these four women had left Guam, when in fact they were employed here. It also  
2 intends to introduce his account of how he first became involved in this offense, that he had  
3 started this scheme in 2003, when he submitted about 10 I-94 forms for the owner of the Club  
4 Volvo. Word spread, and other club owners employed him for the same purpose. Defendant was  
5 advised of these statements in an August 9, 2007, letter to former counsel, FPD John Gorman.

6 A. These Statements Are Not 404(b) Material.

7 FRE 404(b) prohibits the introduction of "other crimes, wrongs or acts," with a wide  
8 variety of exceptions, such as evidence that shows proof of a common scheme or plan. The  
9 threshold question, however, is whether defendant's having falsely filed I-94 forms for other club  
10 owners is 404(b) evidence at all. "Evidence should not be treated as 'other crimes' evidence  
11 when 'the evidence concerning the [other] act and the evidence concerning the crime charged are  
12 inextricably intertwined.'" United States v. Soliman, 813 F.2d 277, 279 (9<sup>th</sup> Cir. 1987). There,  
13 the defendant was charged with mail fraud for unlawfully collecting insurance proceeds. The  
14 indictment charged only three counts of mail fraud, but the government was allowed to  
15 introduce a summary chart describing 102 other fraudulent insurance claims which the  
16 defendant had submitted. On appeal, the court held this chart was not 404(b) evidence at all.  
17 The government had to prove the existence of a scheme of mail fraud activity, and these  
18 additional 102 fraudulent claims proved the existence of such a scheme, though they were not  
19 specifically charged.

20 United States v. William, 291 F.3d 1180 (9<sup>th</sup> Cir. 2002), concerned a prosecution for  
21 Mann Act violations. In addition to testimony concerning defendant's interstate transportation of  
22 minors for purposes of prostitution, the court allowed testimony concerning defendant's  
23 repetitive beating of the girls working for him. On appeal, the court held such evidence was not  
24 404(b), but rather an inextricable part of the charges, because it was the means by which the  
25 defendant maintained control over the minors. The court cited United States v. Vizcarra-  
26 Martinez, 66 F.3d 1006, 1012-13 (9<sup>th</sup> Cir. 1995), that evidence is inextricably intertwined, and

1 Martinez, 66 F.3d 1006, 1012-13 (9<sup>th</sup> Cir. 1995), that evidence is inextricably intertwined, and  
2 hence not covered by 404(b), if it “constitutes a part of the transaction that serves as the basis for  
3 the criminal charge” or “was necessary to ... permit the prosecutor to offer a coherent and  
4 comprehensible story regarding the commission of the crime.”

5       Here, over a three-year period, the defendant was committing a scheme to defraud the  
6 United States, by falsely submitting I-94 forms for tourists who had, in fact, not returned to  
7 Korea. The *modus operandi* was identical in each case; his clients were all nightclub owners  
8 who had the same motive, to keep women employed in their clubs; and each incident concerned  
9 Koreans who had entered under the Korean Tourist Visa Waiver program. As such, all the acts  
10 which he admitted committing for past bar owners were relevant to prove the charge at hand, that  
11 he agreed with Bosley to commit offenses which he was entirely capable of doing, because he  
12 had been committing these offenses for years before the conspiracy charged in this indictment.

13 B. The Acts Are Admissible to Show Intent, Knowledge, and a Plan.

14       Even if the I-94 forms which he submitted for other Korean nationals are considered to  
15 be separate crimes, they are relevant under 404(b) to prove motive and intent. Such “prior bad  
16 acts” are admissible if they go to prove an element of the crime charged. Thus, for example, in  
17 United States v. Rrapi, 175 F.3d 742 (9<sup>th</sup> Cir. 1999), defendant was charged with bank robbery,  
18 and the court allowed testimony concerning numerous uncharged burglaries. The appellate court  
19 affirmed, noting that Rule 404(b) is one of inclusion. “Unless the evidence of other crimes  
20 tends only to prove propensity, it is admissible.” Id. at 748, *citing United States v. Jackson*, 84  
21 F.3d 1154, 1158-59 (9<sup>th</sup> Cir. 1996). Here, such evidence demonstrated plan, preparation and  
22 intent.

23       In United States v. Mehrmanesh, 689 F.2d 822 (9<sup>th</sup> Cir. 1982), defendant was charged  
24 with attempted possession with intent to distribute heroin, concerning a suitcase which had been  
25 shipped to him from Kuwait. The court allowed testimony of numerous other acts of drug

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1 possession and trafficking to prove that the defendant knew the suitcase contained heroin, and  
2 that it was not intended for his personal use.

3 In another example, United States v. Mccollum, 732 F.2d 1419 (9<sup>th</sup> Cir. 1984), defendant  
4 was on trial for bank robbery. The appellate court affirmed the introduction of a 12-year-old  
5 robbery conviction because "it required the same form of intent that the Government seeks to  
6 prove in the second case." Id. at 1424. The defense centered on whether the defendant intended  
7 to rob the subject bank, as opposed to acting under hypnosis, and the prior robbery conviction  
8 was relevant to that intent.

9 In this case, evidence that defendant committed prior, identical, acts of alien smuggling  
10 is relevant to whether he agreed with Bosley to commit the same type of alien smuggling with  
11 the four Korean citizens presented by ICE. Accordingly, it is admissible.

12 RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of December, 2007.

13  
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16 Districts of Guam and NMI

17 By:   
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11/02/06

CALL TO BOSLEY #1

11.02.2006

BOSLEY: (KO) Hello.  
HN3960: (KO) it's me. I am sorry.  
BOSLEY: (KO) I called but no answer, may be he is sleeping.  
HN3960: (KO) Okay, does he work in the early morning? So, what time should I call?  
BOSLEY: (KO) you should try evening.  
HN3960: (KO) Evening. The reason why I call, three ladies '15<sup>th</sup> day will be on Monday morning. so I was wondering if you could find the way either those ladies would be able to stay or should leave before they overstay . They are willing to pay if they could be informed by Sunday.  
BOSLEY: (KO) Okay, I will try to find out.  
HN3960: (KO) Do you understand what I am saying? These ladies will be overstaying if they don't leave by Sunday. So they want to be informed by Sunday afternoon so they can arrange their schedule. They said they could pay more if he want.  
BOSLEY: (KO) okay, I see.  
HN3960: (KO) again, they are willing to pay, if it is possible.  
BOSLEY: (KO) I see.  
HN3960: (KO) Do you know how long it will take after he says okay?  
BOSLEY: (KO) even he says okay, he has to go to work to find out.  
HN3960: (KO) so you mean, you can find it out right way when he goes to work at airport.  
BOSLEY: (KO) No, I mean, it will take one or two days  
HN3960: (KO) okay, one or two days. If you talk to him today, today is Thursday  
BOSLEY: (KO) if I talk him today, I will probably see him tomorrow.  
HN3960: (KO) Okay, when you meet him tomorrow, those ladies need to go with you or just hand the I-94 and money to you.  
BOSLEY: (KO) yes, money and..  
HN3960: (KO) How about passport?  
BOSLEY: (KO) yes, passport and I-94  
HN3960: (KO) Passport, I-94 and money  
BOSLEY: (KO) Yes.  
HN3960: (KO) it will be three hundred dollars, isn't it?  
BOSLEY: (KO) Yes  
HN3960: (KO) Then they need to pay another three hundred dollars when they leave.  
BOSLEY: (KO) yes.  
HN3960: (KO) they are willing to pay so I want you to find out it is possible.  
BOSLEY: (KO) Okay, I see.  
HN3960: (KO) can you call me and let me know?  
BOSLEY: (KO) okay, I will give you call.  
HN3960: (KO) Okay.  
BOSLEY: (KO) Bye.

11.2.2006 3:20 pm

BOSLEY: (KO) Hello  
HN3960: (KO) It me, is it okay to hand to you a copy of passport and I-94  
BOSLEY: (KO) Copy?  
HN3960: (KO) yes, a copy of passport.  
BOSLEY: (KO) she was using a copy as passport when she came here?  
HN3960: (KO) No, do they need to give you original passport or a copy of passport?  
BOSLEY: (KO) No, passport. It has to be passport, not a copy.  
HN3960: (KO) if they lost their passport?  
BOSLEY: (KO) well, if they lost their passport, how did they come if they lost passport?  
HN3960: (KO) I mean if they lost after they came here.  
BOSLEY: (KO) Oh, after they came.  
HN3960: (KO) yes, the I-94 usually attached to passport. Let's assume the lady took it off from passport and she lost passport. Then what they do?  
BOSLEY: (KO) then how they are going to depart?  
HN3960: (KO) they can go to the consulate to make temporary travel document when they decide to leave. They can use it to go to Korea.  
BOSLEY: (KO) I see.  
HN3960: (KO) can you ask if they can use a copy of passport. They have an I-94. They have a misplaced doubt when I ask to have a passport. They might think I will take and sell it.  
BOSLEY: (giggle)  
HN3960: (KO) so, Can you ask if they can give you a copy of passport and original I-94.  
BOSLEY: (KO) okay. Bye.  
HN3960: (KO) Bye.

11/6/06

CALL TO BOSLEY

11/6/2006 01:16 PM

PHONE RING

BOSLEY: (KO) Hello  
HN3960: (KO) Hi, did you up already?  
BOSLEY: (KO) Yes.  
HN3960: (KO) I called your house but no answer.  
BOSLEY: (KO) Brother, I can't hear you.  
HN3960: (KO) Hello, hello, hello

PHONE RING

BOSLEY: (KO) Hello.  
HN3960: (KO) Can you hear me?  
BOSLEY: (KO) yes but it is not very clear.  
HN3960: (KO) Can you hear me now?  
BOSLEY: (KO) Yes, I was on other line. Can I call you back?  
HN3960: (KO) Okay. When?  
BOSLEY: (KO) within twenty minutes.  
HN3960: (KO) Okay.

HN3960: (KO) Hello  
BOSLEY: (KO) hello, it's me  
HN3960: (KO) are you done? You are busy even though you are not working.  
BOSLEY: (KO) Yes, I know.  
HN3960: (KO) did you happen to ask him?  
BOSLEY: (KO) No, he was sleeping.  
HN3960: (KO) is he sleeping? Okay, can you call me when you talk him?  
BOSLEY: (KO) okay.  
HN3960: (KO) Money and necessary documents are all set.  
BOSLEY: (KO) What did you say the number of persons?  
HN3960: (KO) Three. Do you usually meet him around ten o'clock?  
BOSLEY: (KO) Yes.  
HN3960: (KO) so could we meet around nine o'clock.  
BOSLEY: (KO) Okay.  
HN3960: (KO) here you go. Four hundred dollars per person, so it will be one thousand two hundred dollars and your commission will be two hundred dollars.  
BOSLEY: (KO) Wow, for real. Thank you  
HN3960: (KO) so meet me one hour before you see him.  
BOSLEY: (KO) Okay.  
HN3960: (KO) Are you going to go to airport.  
BOSLEY: (KO) Yes.  
HN3960: (KO) so meet me one hour early then meeting with him call me as soon as you contact him.

BOSLEY: (KO) Okay, I will call him. Bye  
HN3960: (KO) okay, bye

MEETING AT KING #3 (BOSLEY)  
11/6/2006

11/6/06  
King's

HN3960: hello.  
Someone: mike  
HN3960: Yeah.  
Someone: (inaudible)  
HN3960: Which one? No, no, no, I don't have, we don't have that yet.  
HN3960: yeah, later one. Probably nine thirty or ten  
Someone: (inaudible)  
HN3960: okay, alright. Hahaha, bye

HN3960: (KO) (answering phone) hello. Yes, next to it. Okay. Yes.  
Waitress: anything to drink?  
HN3960: Coffee, I am waiting for one more person.

HN3960: (KO) hello, where are you? Excuse me? She is in restroom? Yes, sir, I am waiting for her. Has she left yet? 8:30? Oh, I am here already and have been waiting for her. Yes, could you please have her call me? Okay. Bye.

HN3960: (EN) Yes, she thought the meeting is at 8:30, yeah, she is still at restroom right now. Yes, she is at home. She was thinking 8:30 meeting. Yeah. Okay.

Lan-ya. (To waitress) Excuse me, please leave it on table, I go smoke.

HN3960: (KO) (answering phone) hello, where are you? We suppose to meet at 8:00. Hurry up.

HN3960: (KO) (answering phone) hello, sir, I will call you.

HN3960: Thank you  
Waitress: you're welcome.

HN3960: (KO) you thought the meeting was 8:30? What are you going to drink?

BOSLEY: coffee. (SIGH)

HN3960: (KO) by the way, what is that?

So, it passed one week?

BOSLEY: (KO) one week

HN3960: (KO) how do you assure that it is work? Do you know anyone have done it before? Are you sure?

So, we don't know that whether it will work or not, unless the lady comes back from Korea after they depart from Guam. right? Were they able to come back?



BOSELY: (KO) yes, many of them came back.  
HN3960: (KO) they did not get in any trouble when they came back even they overstayed. Is it right?  
BOSLEY: (KO) what I have heard about this is the immigration will not have any record if they don't turn in I-94.  
HN3960: (KO) but usually the airlines take I-94 from passenger. Isn't it? So, they don't stamp it.  
BOSLEY: (KO) they do.  
HN3960: (KO) so the airlines take it from passenger and turn it in to immigration.  
BOSLEY: (KO) could be.  
HN3960: (KO) I have seen the airlines agent collect it at check in counter. I guess the airlines have to turn it in to immigration.  
BOSLEY: (KO) you know, the passport usually has stamp that indicate in and out date. But there will be no out date stamp if they do this.  
HN3960: (KO) when the ladies depart.  
BOSLEY: (KO) Right. The immigration will have no record when those ladies left from here, the immigration only have arrival date record. The immigration won't know. The immigration officer might think some system error or something  
HN3960: (KO) you mean, immigration side worker will be involve to help us do this...  
BOSLEY: (KO) I brought the machine.  
HN3960: (KO) oh, you brought it? How did you put in the car? Wasn't it heavy?  
BOSLEY: (KO) it was not.  
HN3960: (KO) Hahaha, how about Sisley?  
BOSLEY: (KO) Working  
HN3960: (KO) same place?  
BOSLEY: (KO) no, she is working at vanjour.  
HN3960: (KO) vanjour? She quit? Why?  
BOSLEY: (KO) (inaudible)  
HN3960: (KO) I thought she makes a lot of money out of tips, wasn't she? Oh, may be people spent only small money, no big money spender. Chinese? massage ladies come?  
BOSLEY: ...  
HN3960: (KO) you have done it so I have to trust you.  
BOSLEY: (KO) (inaudible)  
HN3960: (KO) how about those ladies who overstayed.  
BOSLEY: (KO) they are here.  
HN3960: (KO) what do they do because the store is closed?  
BOSLEY: (KO) they don't work.  
HN3960: (KO) they just stay at home. So, they have done it and did not have any trouble to enter Guam.  
BOSLEY: (KO) Yes, many of them have done it.

HN3960: (KO) yes, I knew and heard about In Hyuck does it. But it is unbelievable.

BOSLEY: (KO) many of them came back, I also know one person who has done it.

HN3960: (KO) wow, if it is possible as we talk would be awesome and those ladies could go and come back without worry.

BOSLEY: Do the ladies have to pay when they leave?

HN3960: (KO) yes, also they have to let us know.

BOSLEY: (KO) okay, they have to be informed you the date they wish to leave.

HN3960: (KO) Yes, because we also have to see the immigration side worker's schedule. When these ladies wish to leave and the immigration side worker's who help us out, work that day then those ladies successfully depart with out getting in trouble.

HN3960: (KO) no matter what, the ladies have to let you know, other wise they will be record as overstay.

BOSLEY: (KO) there will be stamp on the passport.

HN3960: (KO) no, there will be no stamp for departure.

BOSLEY: (KO) The passport will be stamped when they depart.

HN3960: (KO) No, the passenger will not go thru immigration inspection for departure.

BOSLEY: (KO) Then what will be problem.

HN3960: (KO) that is what I don't understand.

Unknown female: (KO) as I know, the I-94 has stamped with maximum length of staying, so turn in I-94 first before the day then technically the record shows the person left even he or she is on Guam.

BOSELY: (KO) yes, right. Right.

HN3960: (KO) okay, just turn I-94 in, that's why they need that.

BOSLEY: (KO) Right, right. So they are wave for immigration inspection.

HN3960: (KO) No, I have been telling you, there will be no immigration inspection for departure.

Unkown female: (KO) No, it is not inspection...

BOSLEY: (KO) I have heard something about adjusting schedule for departure.

Unknown female: (KO) Even departure, they are... (Inaudible)

BOSLEY: (KO) the airlines must do something.

HN3960: (KO) the airlines should collect I-94 from passenger, but they probably switch with something...

BOSLEY: (KO) right.

HN3960: (KO) so I only need to hand to you three I-94s and copies of passport.

Unknown female: (KO) Yes, those are copies?

HN3960: (KO) Yeah, those ladies, they don't trust other people, so they don't want to give me their passport not even to their madam.

Unknown female: (KO) is that right?

HN3960: (KO) Those girls share information's among themselves and the websites are well updated. Just recently, there was an accident.  
BOSLEY: (inaudible)  
HN3960: (KO) Right, I am not supports get this from them. Those girls are getting smarter and well trained.  
Unknown female: So, they have to pay more if they don't have this?  
HN3960: yes.  
HN3960: (KO) Three person. One of girl was born in 1980, the other, she is kind of old, was born in 1965 and last girl born in 1976.  
BOSLEY: You said copy can be used.  
HN3690: (KO) so, the older girl who born in 1965 is the Madame?  
BOSLEY: (KO) Hahaha, probably, what else she can do. She is kind of old. And regarding the passport copy, they make copy like this angle.  
HN3960: (KO) Okay.  
HN3960: (KO) I was not sure about stamp.  
BOSLEY: (KO) in my opinion, the stamp doesn't matter unless they have an I-94.  
HN3960: Isn't here non smoke?  
HN3960: (KO) you can't smoke in side restaurant.  
HN3960: One, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, one thousand two hundred and two hundred.  
HN3960: Those girls seem to be stay here forever.  
BOSLEY: (KO) are they pretty?  
HN3960: (KO) Oh, please take a look those pictures. Do you think they are pretty?  
BOSLEY: (Inaudible)  
HN3960: (KO) it becomes very hard to find the ladies. Pak Chan ho's store has some ladies and Takara..  
BOSLEY: (KO) Where is this store? Is it newly opened?  
HN3960: (KO) it is going to be open soon, but have had a hard time to supply ladies. Could you allow your store's ladies work at the new store?  
BOSLEY: (KO) But they don't want to work.  
HN3960: (KO) they may have a man who support them. That's why they don't want to work.  
BOSLEY: (KO) Are you business partner?  
HN3960: (KO) I just help them out. Even giving a help have kept me busy.  
BOSLEY: (KO) it doesn't look like,  
HN3960: (KO) I just help them.  
BOSLEY: (KO) you moved to here? This location is better right? I thought so.  
HN3960: (KO) yes, it is much better.  
BOSLEY: (KO) there is a Bingo across.  
HN3960: (KO) yes, it get very busy when the bingo open. The bingo opens 4days in a row.  
BOSLEY: (KO) it is perfect location for killing the time before the bingo.  
HN3960: (KO) it is also very spacey.

BOSLEY: (KO) it is almost big as here.

HN3960: (KO) yes, it is very big.

Unknown female: (inaudible)

HN3960: (KO) Today?

BOSLEY: (KO) yes.

HN3960: (KO) today, but how am I going to trust this. Someone will call you if it is done.

BOSLEY: (KO) the copies probably returned to them.

HN3960: (KO) you mean the passport copies. How about I-94?

BOSLEY: (KO) what about I-94?

Unknown female: (inaudible)

HN3960: (KO) oh, right. These girls pretend to be left, therefore, the I-94 have to be returned to immigration. Is the passport copies will be returned as proof?

BOSLEY: (KO) I will ask them to sign at passport copy to proof it's done without problem.

HN3960: (KO) yeah, those girls don't trust other. How dare they are. I have heard about this, but I wasn't sure.

Unknown female: (KO) when thing goes smooth and nice they don't complain, but when something goes wrong, they always blame us big time.

HN3960: (KO) Oh, well I have to trust you since you said you have done it.

Unknown female: (KO) Many of them have done it.

BOSLEY: (KO) yeah, many. One of the girls who used to work at YEBO, overstayed 5 or 6 months went to Austria. She came back and overstayed again went back to Korea.

HN3960: (KO) so it is trustable. I was thinking no one believes this and It is a famous repertory to temps girls, I have heard when the guy tried to hook up the girls use this as an allurement.

Unknown female: (KO) I have also heard they guy mentions about marriage for just dating.

HN3960: (KO) I have heard that guy ask a date for exchanging turn in I-94 but I would not believe that before. You know, I also heard Cho En Young, she used to work at Korean air, and she did it along with Tour Company.

By the way, what time are you going to meet?

BOSLEY: (KO) nine o'clock.

HN3960: (KO) nine o'clock, you still have a time. Is he staying at Mariana?

BOSELY: (KO) No, I am not sure. He is going to work so we are going to meet around airport.

HN3960: (KO) The copy will be returned to them and if I-94 turn in within one week after those ladies came, they wouldn't be overstayed. Right?

BOSLEY: (KO) Yes, it is hard if more than one week.

Unknown female: (KO) Yes, It is still okay if it is one week, close to 15days is also possible but kind of hard.

HN3960: (KO) you mean it is possible but has a difficulty. It could cost more.

BOSLEY: (KO) He said no period. Even more money.

HN3960: (KO) Anyway he has connected to immigration side worker. So what is so difficult?

BOSLEY: (KO) well, but he said no.

HN3960: (KO) How come he said okay last time? Those girls would be overstayed if you have said okay last Sunday.

BOSLEY: (KO) I meant it is okay about one week but can't be more than one week.

HN3960: (KO) just keep it; I will go your house for picking it up.  
Shall we go?

BOSLEY: (KO) can I finish this coffee?

HN3960: (KO) okay, I just don't want you to be late.

BOSELY: (KO) it is not far from here.

HN3960: (KO) Okay, why don't you work if you don't mind to ask?

Unknown female: (KO) Just, I can't find a job.

HN3960: (KO) that's grate you must be stable without income.

Unknown female: (KO) No, I just don't know anything.

BOSLEY: (KO) By the way, whose store is it? I heard the lady who used to own ROCK BONG KI bar, she is going to open other bar also.

HN3960: (KO) who is that used to own ROCK BONG KI bar?

BOSLEY: (KO) Oh, what was her name? I can't remember her name. She married one of the tour guides. I can not remember name. Anyway what I heard is she is going to open other bar somewhere soon or later.

HN3960: (KO) Where?

BOSLEY: (KO) I didn't ask.

HN3960: (KO) anybody could open bar if they are able to supply girls to bar some of bar's business is not so well because they are not having girls and have difficulty to find the girls.

BOSLEY: (KO) Business is not good?

HN3960: (KO) If the bar has girls, the bar's business is okay. Club TAKARA's new girl makes three hundred dollars one day. Three hundred dollars.

BOSLEY: (KO) For real? Club TAKARA need a madam?

HN3960: (KO) yeah, because So Hyun quite.

BOSLEY: There is big gap, hot girls make good enough money at Korea so they don't want to come here, regular girls can't make money. Even not pretty girls make three to four thousand at Korea, so they are not interested if they make less money at here. We also can't promise them because economy is not so good.

HN3960: (KO) these girls have gotten smarter, they would not trust me doing this.

Unknown female: (KO) are they overstayed already?

BOSLEY: (KO) No.

HN3960: (KO) no, those girls just came here recently. 27<sup>th</sup> or 28<sup>th</sup> of October. Man, I am telling you, I have a hard time persuade them into believing me.

I was thinking I should have them meet In Hyok (laugh) and listen from him.

BOSLEY: (KO) when is the bar open?

HN3960: (KO) it can't be open now with not having enough girls. So we don't want those ladies who are already here to not leave us.

BOSLEY: (KO) who is the owner.

HN3960: (KO) the owner is form Korea, not a local Koran.

BOSLEY: (KO) the owner is form Korea and also madam. It would be hard.

HN3960: (KO) why don't you come and help us, you can do madam. Are you pondering on plan to open your business or something? Don't you have a boredom just stay home? Well even myself, I have gone out long.

BOSLEY: (light)

HN3960: (KO) please could you call me. Let's go. We had two coffees and one ice tea.

BOSLEY: (KO) Do you keep in touch with Hyun Hyock.

HN3960: (KO) he went Korea. He calls me sometimes and says he doesn't find the job yet.

BOSLEY: (KO) Where is he?

HN3960: (KO) in Seoul.

BOSLEY: (KO) isn't he going to come here?

HN3960: (KO) didn't you know he was overstayed

BOSLEY: (KO) Yes.

HN3960: (KO) how he could come?

BOSLEY: (KO) He told me that he would do something with his passport to come here.

HN3960: (laugh) he is not coming without secure job, you know he had a hard time at while he was here.

BOSLEY: (KO) How about Hyo Chul?

HN3960: (KO) I saw him with Dong Hee last time.

BOSLEY: (KO) he is not seeing Angela anymore?

HN3960: (KO) well, he is Angela's slave. (Laugh)

Unknown female: (KO) is Angela still doing that?

HN3960: (KO) Well, is Angela still own club business class?

BOSLEY: (KO) I think so.

HN3960: (KO) how about ....?

BOSLEY: Is Tumon Village is good? How much is it? How many bedrooms?

HN3960: (KO) two bedrooms, one thousand two hundred dollars include water.

HN3960: (KO) could you please ask them next available time? The immigration side worker's days off are Friday and Saturday so they have to avoid those two days.

BOSLEY: (KO) I am not sure, I will ask.

HN3960: (KO) no rush, whenever you have chance to ask, you are going to meet him/her later anyway. Just let me know about his days off and possibility. Can you call him and ask?

BOSLEY: (KO) (ON THE PHONE) hello, Hi, it's me. Is it possible today? Okay, you can do it today. When you can't do it? Your days off are not set? Your days off are Friday and Saturday right now. No, I have a meeting with mike now, he wants to me ask you. One week before, okay. Anyway I am going to leave now. He says he has to know one week ahead time and days off are Friday and Saturday right now. His days off are subject to change sometimes.

HN3960: (KO) okay, call me.

BOSLEY: (KO) Yes, I will.

HN3960: (KO) please stop by our game room sometimes.

Unknown female: (KO) yes.

BOSELY: (KO) I will call you tomorrow.

HN3960: (KO) okay, call me.

BOSLEY: (KO) see you tomorrow.

HN3960: (KO) okay bye now.

Unknown female: (KO) Bye, take care.

BOSLEY: (KO) bye.

11/18/06

MEETING AT KINGS WITH BOSLEY#6

Officer: state your name, date and who are you going to meet.  
HN3960: My name is Mike Pak. Today's date is November 18, 2006 time is 7:50 pm  
Meet with Mee Kyong Pak.  
Officer: for what purpose?  
HN3960: I-94  
Officer: and what are you going to give her beside I-94?  
HN3960: With money.  
Officer: How much?  
HN3960: Four hundred.  
Officer: Eight hundred.  
HN3960: Eight hundred.  
Officer: four hundred for outbound, four hundred for incoming girl, I mean four hundred for girl who wants to stay, and four hundred for previous girl who wants to leave right?  
HN3960: yes.  
Officer: remember? What the third thing was last time? Kind of small transmitter in pocket?  
HN3960: yes, two transmitter one is the little bit square one. Not that one? Look like that one.  
Officer: just carry it like that?  
HN3960: yes, just put it in the pocket.  
Officer: say one, two, three, four  
HN3960: One, two, three, four, five. One, two, three.  
Officer: if possible we want to keep the meeting at king's short right? If possible try to intercept her outside and talk to her inside her car  
HN3960: her car or?  
Officer: either car. Because we don't want to have all the restaurant noise.  
HN3960: okay, so I just wait her outside and when she comes I just go with her in side car.  
Officer: did you and John talk about you were trying to go with her? Or we are not going to do that?  
HN3960: no, same as last night. And after the meeting where I have.....  
Officer: after the meeting stay at king's parking lot  
HN3960: King's parking lot.  
Officer: look for me, I will be driving white blazer. I will show you when we go downstairs.  
HN3960: Okay.  
Officer: okay, here is money. One, two, three, four, five, six, seven and eight.  
HN3960: Eight hundred.  
Officer: so, there is eight hundred. We need you to sign for.  
You need to sign this, what is the date today?  
18<sup>th</sup>?  
HN3960: 18<sup>TH</sup>, Time is seven fifty five.

GOVERNMENT EXHIBIT

Officer: sign there. We don't have a lot of people this time so; in the parking lot it is going to be only me and many. And the other guys are going to be waited at Maiana.

HN3960: I will make short meeting. Like a 5.

Officer: she has soothing to talk about that we care about. That is fine. Let it goes as long as it needs to go. There is no reason to stay. And you are going to count it out round.

HN3960: One, two, three.

Officer2: in Korean.

HN3960: Korean may be I put, talk t in English.

Officer: okay, it is about eight pm now so. You got any questions?

HN3960: no, sir. You want me ask her anything?

Officer: um, if you can talk about what does Dominick do to allow to girls to leave. What is he doing at airport?

HN3960: Yeah, I was going to ask her like this, okay. I heard from someone he used to own the club before he did a lot with Dominick for the girl but some girls got caught, she was doing I-94 after that overstay and then she went back to Korea later. And she went to US embassy in Korea to trying to get US visa so everything came out, she was overstay.

Officer: so there are basically two questions, how do you know for fact that Dominick successfully put three others in to the system?

HN3960: okay.

Officer: and how does he input the system for girl now want to go back to Korea. Two areas for questions.

HN3960: And then may be, I just tell her girl, 21<sup>st</sup> the one is going to leave one, she is going to come back soon, so I will ask her are you sure if everything is okay. We don't want any problem when she comes back, she got caught over there.

Officer: was she trying to call you after Dominick meeting.

HN3960: Umm, no, I am going to tell her call me after meeting.

Phone ring

Officer: is that her?

HN3960: no

Officer: okay I think it will good. What do you driving? Same as before?

HN3960: Same. Corolla.

Officer2: Dark blue corolla.

Officer: if you talk in your car don't have radio on

HN3960: Okay.

Officer: okay, and if you get on her car, you know, you can do it with out getting her upset turning radio on and radio off

HN3960: okay.

Getting in elevator.

Parking lot

HN3960: This one.

Okay.

HN3960: (KO) (answered phone) hello, yes, right, right, yes, okay. Bye.

HN3960: (KO) hello. Are you on your way? Okay.

HN3960: (KO) (Sigh) here, here.  
(KO) busy? Were you busy?

BOSLEY: (KO) no.

HN3960: (KO) you are not busy? Aren't you planning to do something?  
(KO) By the way, the girl who would like to leave on 21<sup>st</sup>, she goes to Korea and she will come back with other girls. So tell him make sure they are not going to get in any problem.

BOSLEY: (KO) usually.

HN3960: (KO) they have probably heard from their boss or somebody, anyway you know old VOLVO's Mr., Sho, his name is Sho Won bae who come from Daegu Korea, and used to own VOLVO.

BOSLEY: (KO) I might recognize if I see his face.

HN3960: (KO) you know, he is from Diego, also a friend of Jin Woo and Jun Sung.

BOSLEY: (KO) yeah.

HN3960: (KO) He did this a lot while he had business with VOLVO. Charging five hundred dollars each.

BOSLEY: (KO) yeah.

HN3960: (KO) he said that he had a connection with immigration side worker, but later people found out that it was lie, he just got the money. How they found out this is one of the girl who paid to him, went to US embassy to get a US visa and she found out that she was recorded as overstay.

BOSLEY: (KO) I know one of case, you know when I was at YEBO one of the girl who used to work at YEBO, YEBO's boss did that for this girl but the boss did not do anything when the girl left, even though the boss told the girl she will informed immigration side worker so the girl can come back. Because the boss and this girl did not get along after while so relationship has gotten worse.

HN3960: (KO) so you mean, those girls will get in trouble if they don't informed to him when they leave.

BOSLEY: (KO) and when the girl came back of course this girl got in trouble in immigration.

HN3960: (KO) this supposes to be in and out for both right?

BOSLEY: (KO) that's why he, he said.

HN3960: (KO) who's he?

BOSLEY: (KO) He, I just can't remember his name.

HN3960: (KO) who? You mean In Hyuck.

BOSLEY: (KO) yes, In Hyuck also said he can't guarantee 100 percents if it will successfully work out.

HN390: (KO) what he means, how he can get money if he is not assure 100 percent.

BOSLEY: (KO) He always has said he also not sure for 100 percent.

HN3960: (KO) Why?

BOSLEY: (KO) Instead of 100 percent, may be 80 to 90 percent.

HN3960: (KO) it's like. I think Mr. Sho also said overstay person could be able to come back if they change their passport. It means may be able to come or

may be not. But in substance, the I-94's thing technically could be used as swindle, he might not do anything just swindle money from girl. Am I making myself clear? He could say he has a connection with immigration but could be lie.

I have heard what did those bad people do, and these girls also heard that too.

BOSLEY: (KO) I think he has done it for whoever I asked.

HN3960: (KO) whoever has done it thru you, did they change their passport?

BOSLEY: (KO) No, hasn't change.

HN3060: (KO) you mean they used same passport and were able to come in with out any problem.

BOSLEY: (KO) Yes.

HN3960: (KO) it's weird.

BOSLEY: (KO) you know a friend of mine you have met, she's friend.

HN3960: (KO) Who.

BOSLEY: (KO) you know, we had a coffee together.

HN3960: (KO) ah, that lady. Her friend has done it through In Hyuck and came back.

BOSLEY: (KO) yes. In Hyuck said he can't be ensure 100 percent but he promises he does, but sometime just their luck.

HN3960: (KO) does he say whoever can be cough if no luck?

BOSLEY: (KO) because he can't erase personal date record, he only does remove departure record and it will cause immigration system only has previous arrival record. When those girl come next time, the immigration probably would think that some kind of system errors that has no departure record.

HN3960: (KO) so he erases departure record.

BOSLEY: (KO) he probably removes or erases record. Is he?

HN3960: (KO) Well, I don't know.

BOSLEY: (KO) well he said he does something that make immigration system will not have departure record.

HN3960: (KO) so you mean, the immigration won't know when those girl left from Guam.

BOSLEY: (KO) right. As I heard it works like that.

HN3960: (KO) so someone work for immigration is involved.

BOSLEY: (KO) right.

HN3960: (KO) this girl has to go out and come back with other girls, oh, actually she is not a girl she is old, anyway she will bring us some girls who will work this bar, but if this old lady get in trouble, we can't help anything.

Also these girls, who are staying here, will complain to me, they will blame to me.

Do you have anyone else in your car? I will give the money, in the car. I have heard various rumors regarding this, it makes me confuse.

BOSLEY: (KO) those girls who do this seems like they think that trying wouldn't hurt.

HN3960: (KO) trying wouldn't hurt? But it is too big gamble for doing this. Especially those young girls might have chance to go US in the future, but if they overstay they could not.

BOSLEY: (KO) I will ask him again.

HN3960: (KO) tell him he better be sure, if anything goes wrong I will be blamed. This girl is going to leave and that girl will be come in. Here is money, one, two, three, four, five, six, seven, eight hundred dollars, and four hundred dollars for girl who is going to leave and four hundred for incoming girls.

BOSLEY: (KO) I will ask him again.

HN3960: (KO) yes please. Make certain everything. There will be no evidence that I hand to you this money, so you know if anything goes wrong I will be point as a liar and defrauder. I don't want to hear that. Did he, In Hyuck know that I asked you? If he knows me I can complain if anything goes wrong.

BOSLEY: (KO) I told him once that I will introduce both of you, so you two could talk each other. Then he said he is not sure so it's kind of hard to meet you.

HN3960: (KO) Yeah.

BOSLEY: (KO) so I told him I will meet first then...

HN3960: (KO) right, this girl has to come back if not other girls won't trust me and this, you know we will ask him to do this again. If this is not work the rumor spread to Korea it will cause us having hard time supply girls from Korea. Especially this girl who is going to leave, oh well she is not young enough to be called girl; she will bring other girls when she come back next time. That's why it is very important. So could you have him understand importance.

BOSLEY: (KO) Okay.

HN3960: (KO) could you call me after you talk to him.

BOSLEY: (KO) But don't you go the game room?

HN3960: (KO) Who?

BOSLEY: (KO) you, brother.

HN3960: (KO) oh, me, I have an appointment.

BOSLEY: (KO) Okay, I will call you.

Officer: so everything is good.

HN3960: She went straight to Maiana.

Officer: was she by herself to car?

HN3960: no, same with last time. Same girl. I told her, I make, I heard and those girls from the club some people they did something as this and some girl get a trouble, they told her everything was find but later she went to the US embassy and found out she was overstay so I want to make sure because this girl, who go back to Korea on 21<sup>st</sup>, she is going to come back with a lot of other girls she is the one is girls connection so if she got something trouble then we got lot of problem. So you better tell Dominick about that and make sure

Officer: did all your conversation take place out side if car? Or inside car.

HN3960: outside and inside together

Officer: did the other girls was...

HN3960: No, the other girl was sitting down inside her car. Bosley.  
Officer: so some conversation is in your car and some are outside, but nothing place the other girl.

HN3960: no, no.

Officer: Did bosley say anything that would make her think the other girl knows what is going on?

HN3960: no, she said she did couple times with Dominick and she did not have any problem, all those girls came back. also the one her friend, the one came with her, her friend did it before and came back. she said everything was fine.

Officer: what time is it now?

HN3960: the time is eight fifty five pm November 18<sup>th</sup>.  
I told her if any, any happen or Dominick just take the money and does not do anything I am going to see him.

Officer: okay.

HN3960: so you got a make sure.

16/07 5:21 PM. UNDERCOVER MEETING BETWEEN HN3960 AND IN HYUCK KIM ALSO KNOWN AS DOMINIC AT THE HARMON KING'S RESTAURANG.

11/16/07

HN3960: hello, yeah, yeah, okay, okay.  
Someone: wait for the recorder, don't forget put it inside.

HN3960: for two.  
Waiter: May I get your order?  
HN3960: can I get a coffee.  
Hello, yeah, hello, yes, oh, okay, okay, no, not yet. Okay. (Hang up the phone)  
Can you volume down little bit? Yeah,  
HN3960: no, they already turn down already. Can't you still hear? Hello, hello, Yeah. a lot of speakers. Plenty speakers, all over, they turn down the speakers. Okay.  
HN3960: Thank you.  
Waiter: are you waiting for someone?  
HN3960: yeah, I am waiting for one more.  
HN3960: (KO) (Answer phone) hello, yes, I am having meeting with someone. I will give you call when I am done. Okay. Bye.  
HN3960: (KO) (Answer phone) hello, yes, okay, I got it. Okay, bye.  
(KO)(Answer phone) Yeah, I am inside, inside of kings. Okay.  
Are you doing okay? Busy? A lot of tourists are coming in so it makes you busy?  
DOMINIC: (KO) Yes, busy, Hong chul also is busy, even shuttle bus to airport.  
HN3960: (KO) Have you eaten anything? Don't you want to eat? Order some food.  
DOMINIC: (KO) how about you bro? Are you going to eat?  
HN3960: (KO) okay, I will order too. What do you want to eat? What is good here?  
Waiter: anything to drink sir?  
DOMINIC: um, can I get orange soda.  
Waiter: are you ready to order sir?  
DOMINIC: give us few minutes.  
HN3960: (KO) Koran air still brings three airplanes a day?  
DOMINIC: (KO) yes, there is three flights until end of this month. Next month there will be two daily flights and on the March there will be three additional flights every week  
HN3960: (KO) Okay, so it will be busy until this month.  
DOMINIC: (KO) how's your store? Keep you busy?  
HN3960: (KO) yeah, because more locals are going in over there.  
DOMINIC: (KO) does the strip bar has changed the owner?  
HN3960: (KO) a strip bar? It has moved from Tumon.  
DOMINIC: (KO) to where?  
HN3960: (KO) Blue (inaudible)

DOMINIC: (KO) does Talent has moved to here too?

HN3960: (KO) oh horse race.

DOMINIC: (KO) the rent probably very expensive in Tumon.

HN3960: (KO) 7200 dollars, here is only 3500 dollars, almost half price.

DOMINIC: (KO) how's Talent business going?

HN3960: (KO) well, you know musha, musha has twenty girls (laugh)

DOMINIC: (KO) I heard within two week seven girls...

HN3960: (KO) Twenty. (Laugh) when you go there you probably see more bar girls than customer.

DOMONIC: (KO) but there is too many 15days girls.

HN3960: (KO) what you mean?

DOMINIC: (KO) those girls are rotated 15days, for example toady there is 20girls but tomorrow only 2girls because others are left. You know.

HN3960: (KO) no, I hear that now girls constantly come in. many club have had a hard time to find the girls for while ago but now it over supply.

DOMINIC: (KO) according to the rumor, the website start to work now. \*

HN3960: (KO) perhaps this year is going to be easy to find the girls because economy is getting up here compare to Korea, Korea's economy is still bad. If visa wave program extend to 3months instead of 15days, it will be fantastic.

DOMINIC: (KO) but I think if Guam's visa waver program extends as same as mainland US, those girl is not going to choose Guam for work.

HN3960: (KO) right, it makes sense.

DOMINIC: (KO) so, it shouldn't that way. If they extend same length of staying as Japan, Guam will be big trouble. People would like choose other place, like Los Angels, Hawaii.

HN3960: (KO) yes, I know what you mean; Guam doesn't have many sightseeing spot.

HN3960: (KO) by the way, what are you going to have?

DOMINIC: (KO) oriental chicken salad.

HN3960: (KO) I will have this one. hahaha, opposite right? I will have breakfast menu in dinnertime.

DOMINIC: (KO) I have heard that someone checked if those girl wouldn't have any problem immigration inspection when they come in.

HN3960: (KO) those ladies who came, they are little bit old, they would be madam.

DOMINIC: (KO) yeah.

HN3960: (KO) they were sent from Korea to check Guam's market, like customer level, because someone from Korea plan to open a big club at Guam as investment,  
He thinks that open a club that different as any other club in Guam.

DOMINIC: (KO) oh, yeah.

HN3960: (KO) that's why those old ladies were sent to here.

DOMONIC: he will have a mini French toast breakfast, and I will get an oriental chicken salad.

HN3960: (KO) they were sent to here first. You see, they are not young.

DOMONIC: (KO) yeah, I thought there is new bar that called as an old lady club.

HN3960: (KO) last time I asked these four girls, right?

DOMINIC: (KO) I don't really see individual information so...

HN3960: (KO) see their name and age.

DOMINIC: (KO) oh, I remember this name. I think I saw her last time.

HN3960: (KO) So, I asked you do this for these three girls first and later I asked this girl also right?

DOMINIC: (KO) yes.

HN3960: (KO) she must be last girl that I asked, wasn't she?

DOMINIC: (KO) yeah, that's right. She was last person that you asked me to do, I remember her face.

HN3960: (KO) out of these three, one girls wanted to leave early so I hand to money to Bosley. Have you received money from her, haven't you? That girl who wanted to leave first heard that rumor.

DOMINIC: (KO) what kind of rumor?

HN3960: (KO) you know, they are here for while, so I guess they have heard various rumor about this. I guess they started to worry about this. One of the girls has make a foreign friend who related to immigration, So this girl probably asks him to check if they are not recorded as overstay. And this man told this girl she recorded as overstay. So these girls discussed among themselves and thought may be this man just tried make money because they know some girl were able to came back after overstay.

DOMINIC: (KO) I wonder how the guy was able to check immigration system?

HN3960: (KO) I heard that the guy relate to immigration. He might told her that she recorded as overstay because he did not want to her leave. After she told that this man, these girls started to really worry about this and they have been calling me almost every day for ensuring they are not getting trouble. But you know, I don't really care about these girls, but there is a man behind these girls who is big investment from Korea. Oh, right! Could you please check.

DOMINIC: (KO) what? (Answer phone) hello, yeah, yeah, he might went to play golf, he is not home, I called. Yeah, okay, me? I don't know. Okay, I see, call me anytime, I am out side for meeting someone. Okay. Bye.

HN3960: (KO) Bosley said she knows some girls who were able to come in and as she knows no one have gotten caught.

DOMINIC: (KO) I have seen her at airport sometime. Also I have seen these girls face Who I help, when they are coming in to Guam.

HN3960: (KO) you mean these girls that you help was able to came in. right?

DOMINIC: (KO) when I said that can't ensure 100percent because some times these girls has suspicious behavior, acts strangely, has no money in the wallet. Do you know Yu jin? One of girls who used to work for Yu jin, she was told by Yu Jin she has to have some money when she comes in, so Yu Jin gave her some money to use when she comes in, but she used all at duty free Korea.

HN3960: (KO) yeah.

DOMINIC: (KO) so, when immigration check her purse, she has no money and immigration found out she has no confirmed hotel reservation even she

HN3960: said she has. Airlines mileage record also tells when passenger board last time. The immigration also checked that, that's how she got caught.

DOMINIC: (KO) oh, that's how she got caught.

HN3960: (KO) you know when I see some one in immigration's secondary room, I also become little bit nervous, I start to wonder when they came in last time and think if the person was the one I help.

DOMINIC: (KO) I don't think the immigration do any particular things like before. They took a fingerprint when they got caught by overstaying before.

HN3960: (KO) I believe they do.

DOMINIC: (KO) they start to do it again.

HN3960: (KO) I think they take more time to investigate lately.

DOMINIC: (KO) oh, yeah. When they leave? But there is no immigration inspection when people leave from Guam. Right?

HN3960: (KO) I am not sure what they do, because we, airlines staff don't translate anymore when overstay person get in problem, they call to certificated translators.

DOMINIC: (KO) okay, I see. Korean air have to inform to the immigration when overstay person leave.

HN3960: (KO) yes, our main branch have to.

DOMINIC: (KO) Okay, to make clear I make example, just say person A is overstay and leave Guam tonight.

DOMINIC: (KO) Oh, you mean departure? There is no action for departure passenger. I guess when immigration has nothing to do then they search. Sometimes they call us advance ask to inform them when someone they are wanted, show up. Or sometimes they ask to inform whoever stays more then 6 months. But lately they are getting busy so they don't want us to do anymore.

HN3960: (KO) I heard that while they are being strict they got people's finger print and footprint too (laughing). I guess it is not strict now.

DOMINIC: (KO) When they are getting slow and nothing else to do, they like to do that. So other government thinks that they are doing something.

HN3960: (laugh)

DOMINIC: (KO) but that makes themselves getting more work.

HN3960: (KO) so they don't do it now.

DOMINIC: The investment man I was talking about earlier, he used to send girls many place even mainland, he is planning to open big club and supply girls from Korea. He is doing shady transaction long time so he is worries about his name might be in the black list. I asked him to come to Guam for marketing research, and then he told me his worry. He also knows that Guam is good business place for him, that's why he want me to ask you whether if you can find out his name is in black list or not, he will give you his name, birthday and money.

DOMINIC: (KO) it is difficult to find out, I think the best way is to get US visa. If he can't get a visa he should not think of coming because his name might be in the list.

HN3960: (KO) okay, if he doesn't get a visa. But it is very hard to get a US visa now.

DOMINIC: (KO) well, if he has money...

HN3960: (KO) I heard that us embassy would not like issue a visa even rich Korean people.

DOMINCK: (KO) oh, is that right.

HN3960: (KO) the Ministry of foreign affairs and trade, have started to being strict for reduce of denial of visa issue. The visa brokers, act with circumspection. There is a rumor the Ministry of foreign affairs and trade discuss with US government to make Korea as visa wave country to mainland US. That's why the visa broker get scare to do this even they make more money.

DOMINIC: (KO) have he ever had crime history?

HN3960: (KO) no, he also travel many countries except America. He has sent a ton of girls illegally to America for working at club even now, that's why he gets scare to enter Guam.

DOMINIC: (KO) may be, he should be careful, because one of guy who used to work at tour company, many years ago he brought girls to mainland illegally, I don't know he used other people's passport or fake visa, anyway when he came Guam with his family it was his first time to Guam ever but he caught at immigration.

HN3960: (KO) yeah, I thought so. That's why I am asking you, he is willing to pay if there is any way to find out.

DOMONIC: (KO) well, I think it is hard. Airlines send passenger's information to Washington then Washington contact to here if they found any person in the list. We can't see any thing in the system until the person is on board.

HN3960: (KO) okay, it is hard even we know someone at immigration. Is that right?

DOMINIC: (KO) yes. Unless system has alerted...

HN3960: (KO) no one can search by name and birthday before a person get in an airplane.

DOMINIC: (KO) as I know, they have to have a reason to search a personal data and it is being record who opens other's file, who access a personal data so, it is not accessible to everyone. The man has to be in airplane

HN3960: (KO) after he gets in the airplane it is already late.

DOMINIC: (KO) He plans to come here often he should...

HN3960: (KO) yeah, he is going to come here very often, he has never got in immigration secondary room or refused to enter the US, but he just worry because he has been sending girls illegally for long time many places such as massage, club, karaoke and made a lot of money.

DOMINIC: (KO) if he will not be permitted to enter into US or Guam, he also will not be issued a US visa. I think the best way to find out for him, he should go applies for a US visa, if he gets a visa he should not have any problem to enter Guam.

Thank you for the food.

HN3960: (KO) (answer phone) hello, yea, why? Excuse me? Okay, yes.

HN3960: (answer radio) hello, yeah, okay. Bye.

(KO) he plans to open very big club that different as what we have now on Guam.

You know, I understand how this I-94 things work for overstay people, but I guess these people from Korea, it seems to be appear unbelievable happen, even I explained to them we have a someone in immigration side, and some girls came back after they did this. They still think that it is impossible especially in America. That's why this people came this time for testing.

DOMINIC: (KO) okay.

HN3960: (KO) Do you understand what I am saying? This case is very important. I usually not doing this much care after I hook you up for them, this people will be related this work to be continued on, so I am more concern this time. I told Bosley they are willing to pay more money if needed. Bosley told me four hundred dollars for returning I-94 and four hundred dollars for one week prior to departing from Guam. And she told me that is good enough. If these girls are not connected to a man from Korea, I don't really care I just give money to Bosley and let them go whenever they want to. One of girl pays four hundred for departing also. Have you gotten money for one girl's departure? One of girls paid for I-94 and departure also.

DOMINIC: (KO) you mean she is still here?

HN3960: (KO) yes, she is still here. Haven't you received money yet?

DOMINIC: (KO) I got money for these four girls I-94 only. That was it.

HN3960: (KO) I have handed money to her, the girl who ask you do this last She wanted to go so, I gave her money for this girl's departure too. I told her that the girl wanted to leave so money is for her. Perhaps, she said that her brother is going to do together. She told me her brother is going to do anyway so she could ask together. That's why the girl did not go, even she has made a reservation.

DOMINIC: (KO) was that end of December last year or beginning of this month?

That time we could not reach each other so the lady wanted to stay more.

And I believe I did not get a passport that time. Passport and money.

(KO) so, you have not received money. But did you do that?

DOMINIC: (KO) recently....

HN3960: (KO) this girl, this girl wanted to leave so I handed money to her and ask her to inform to you. So you have not done it for her yet?

DOMINIC: (KO) I have done with I-94 for these girls but I have not get it for departure.

I will also check.

HN3960: (KO) yes, please check. I gave her money.

DOMINIC: (KO) I haven't gotten some money previously from her. I am trying to call her but I can't reach her.

HN3960: (KO) Bosley? Yes, it is very hard to talk her. I asked her to set up for meeting for this between you and me, and she has told me she can't reach you after then I couldn't contact her also.

DOMINIC: (KO) was that Saturday or Sunday that we suppose to meet?

HN3960: (KO) she doesn't know you are going to meet me today? Did she call you and inform you Sunday meeting?  
She possibly gets money.

DOMINIC: By the way, is that money enough? I guess you are making good money.  
(KO) I am doing this because there is no one else doing it and want to make just small extra money for my self. I do not expect make a lot of money out of this. If I plan to make a lot of money out of this I might get myself in trouble one day, you know people like make a gossip so I want to do this for someone I trust. It cost 300 dollars

HN3960: (KO) three hundred for one way?

DOMINIC: (KO) yes, so I got one hundred out of four hundred dollars, if I have to give him three hundred fifty dollars I will get fifty dollars.

HN3960: (KO) (laugh) you not even make your gas fee.

DOMINIC: (KO) I wanted him treated me sometime. Beginning with I was doing this by myself, one day one of immigration guy smelled it, and he told me that he know what I am doing.

HN3960: (KO) you mean you were doing this by yourself and immigration officer caught you?

DOMINIC: (KO) after he caught me, I was told that he would help me for some amount of money.

HN3960: (KO) (laugh) is he from Guam? I wonder if he is still here.

DOMINIC: (KO) who?

HN3960: (KO) he was immigration officer. I no longer see him.

DOMINIC: (KO) we use first name instead of last name when I call them, I know some of them. They like go the club.

HN3960: (KO) for work? Like undercover investigator?

DOMINIC: (KO) no, just hang out.

HN3960: (KO) it may perhaps work out if you work with them. Make them enjoy with these girls and give them discount and ask out favors. You might ask them.

DOMINIC: (KO) they don't like introduce themselves as immigration officer, they usually lie what they do, the reason why they are doing it is they don't want girl to get scare, they don't want to be gossip, and they don't want to be bother at work. They try to avoid someone who they met at club, call at immigration to ask various things.

HN3960: (KO) (answer phone) hello, yes, I am having meeting with someone. Yes, yes, yes, yeah, yeah, call O Kim's restaurant. Yes, yes, O Kim's have two cars so call them up first. Okay.

DOMINIC: (KO) what happen?

HN3960: (KO) (inaudible)

DOMINIC: (KO) your store?

HN3960: (KO) they might do your favor, anyway it is good idea be friend with them.

DOMINIC: (KO) at work, we try to pretend we are not close each other.

HN3960: (KO) are the officers mostly Chamorro or local? Is there anyone from state?

DOMINIC: (KO) there are few from mainland but majority local.

They can start here and they can transfer to other state. You know how many people from mainland want to move to work at here, Guam  
HN3960: (KO) I heard it become hard to pass test to be immigration officer.  
DOMINIC: (KO) it has become difficult.  
HN3960: (KO) to make simple, you can not erase the record information on the computer system.  
DOMINIC: (KO) Another word, I turned it in before it's over the date.  
HN3960: (KO) then the computer system shows as the person left already?  
DOMINIC: (KO) it is better say it this way, we could say the person left around this time. Because, there is no specific departure date on the I-94.  
HN3960: (KO) I-94 is...  
DOMINIC: (KO) so, we turn it in with out date stamp.  
HN3960: (KO) you mean, you turn I-94 in with out departure date stamp. So, you, Korean air stamp departure date on I-94, not immigration? You don't stamp intentionally to pretend to forget stamping.  
DOMINIC: (KO) our staff stamp it so I can't give to them, I usually give it separately. When the person departs I just switch computer record. There will be no specific departure date on the system record, immigration might suspect but they can't say anything without evidence.  
HN3960: (KO) when you meet him next time, (inaudible)  
You know that is different between he goes back and forth and he only send girl from Korea. He invests a lot of money even the bar is not small.  
DOMINIC: (KO) as I told you earlier, if he plans to invests money and open a bar, he should get a visa.  
HN3960: (KO) he is not go through formalities step, he just brings in money.  
DOMINIC: (KO) even though he should have a business license under his name.  
HN3960: (KO) he said he is not going to do that, he just brings money in.  
DOMINIC: (KO) what? I mean even though he probably has his business in Korea. He has his business in Korea, has money, has no crime history, all this condition, I think he shouldn't be worry for rejection of issue of US visa. If he goes and back so many times with out a visa and any reason he will be rejected to enter Guam too.  
HN3960: (KO) He just has something on his conscience, by the way what is this case, listen. You know Won Bae, we have met together. His visa got revoked he called me from Korea. He was not even informed why his visa has revoked.  
DOMINIC: (KO) that's also here, we don't why either. I am sure Bro Won Bae has...  
HN3960: (KO) no, I have spoke with last time before he tried to leave Korea, he said he doesn't know why his visa has revoked.  
DOMINIC: (KO) well, it could be various reason, for example his family is here for living...  
HN3960: (KO) he was asking me that Guam is visa wave place so he was wondering if he could come, and he wants me to find out he could come.  
DOMINIC: (KO) even I asked them, they don't let us know about those things. Yeah, his visa was revoked I thinks he can't come to Guam either. He will be no longer able to use US visa waver program to enter to Guam

If his visa expired it is okay, he can still come in, but if his visa has revoked he could not come in here either.

I think his may has family here, may be that's why his visa has revoked.

HN3960: (KO) family, he has a wife.

DOMINIC: (KO) wife. Well I don't remember if I had met her, did he have a kid?

HN3960: (KO) he has kid and he has a wife. I heard that they turn his wife's I-94 in before, like this.

DOMINIC: (KO) they haven't had a green card? Did they get a married to get a green card?

HN3960: (KO) no, they haven't. They did I-94 turn in but it wasn't you. They went through other.

DOMINIC: (KO) I wonder why he visa has revoked?

HN3960: (KO) He doesn't know why either.

How's Yong Sik doing?

DOMINID: (KO) I can't contact him for while. I spoke his friend and his friend before Christmas and say Yong Sik is might... February.

HN3960: (KO) He called me, he has something kind of incident in Korea, he can't leave Korea this month, so

DOMINIC: (KO) How about Yong Sik's room? Have you ever been there? The day when Yong Sik left the police came to his room to investigate. Man moon bro has...

HN3960: (KO) Man moon was under sentence of 4 years.

DOMINIC: (KO) 4years?

This time, one of guy has caught

HN3960: (KO) just recently?

DOMINIC: (KO) One cop followed to the hotel to catch him, Man Moon bro has remember what Yong Sik bro did...

HN3960: (KO) someone reported him. that's why he left that day.

DOMINIC: (KO) he got a caught because someone reported him? Then he might not able to come in here again.

HN3960: (KO) in order to coming in here, he has to be given a verdict of "not guilty" If he is found not guilty then he might able to come in but if not he can't come in.

DOMINIC: (KO) I went there once for bring some books for them.

HN3960: (KO) a prison? Are there a lot of them in the prison?

DOMINIC: (KO) yes, he also got caught because Man moon, Man moon caught because he brought it.

HN3960: (KO) they think Guam too easy, it is not easy place.

DOMINIC: (KO) after Man moon has came out from prison, the drug is going around. I believe he got caught three times within two years.

HN3960: (KO) do you want me to ask Bosley? Or.

DOMINIC: (KO) I will ask her.

HN3960: (KO) yeah? You should tell her that the girl has handed to money already then why she has not given you money.

DOMINIC: (KO) but, I guess she own money that's why she doesn't answer.

HN3960: (KO) then I should call her and ask her.

DOMINIC: (KO) and I will check that again.

HN3960: (KO) do you think should I send these girls out, but I have not known that you have not had any information and money from her. Also you can't help these girls this time when they leave because you haven't got money yet.

DOMINIC: (KO) as I believe I have not received any money.

HN3960: (KO) how many days prior to departure should I call you when these girl decided to leave?

DOMINIC: (KO) Passport, and

HN3960: (KO) Passport and money, right? I ask you to be extra care.

DOMINIC: (KO) I will try but as I told you I can't ensure 100 percent. There is various thing caused refusal of entry Guam. As I told you already, these girls have to have money when they enter next time, they have to try not to do suspicious behavior, also be careful the way they dress up. The immigration officer has a sense to catch that because they have been working long time. You know the construction worker's fingertip usually get hard from their work. Immigration worker also check those kinds of things. When these girls have a officer who has question them a lot, then the girls might be sent to secondary room, immigration start to investigate then they could find out or not. So sometimes it is also their luck. The worst case immigration could contact to Korea to find out in and out date, then that case I can't do anything. I can't touch anything in the system in Korea. I think that a story of lost a passport after they came Guam, is not good idea, should tell them they lost them before they came here.

HN3960: (KO) okay, I call you and I will call Bosley also.

DOMINIC: (KO) don't tell her.

HN3960: (KO) I told her I don't have to meet you, I just want to give her money and whatever needs, I wanted her in the middle to connect to you and these girls, but she couldn't do it. She doesn't know what to explain when these girls have a questions, she doesn't answer the phone.  
Could you ask her if you could?

DOMINIC: (KO) I called her but she doesn't answer again. Do you know what she is doing?

HN3960: (KO) she just stays at home. Should ask Chul.

DOMINIC: (KO) excuse me?

HN3960: (KO) you know her boy friend. Chul, who used to work at Takara. Gi Chul, don't you know? He wears glasses, he is skinny.  
Shall we go? Keep in touch, alright?  
Come and hang out sometime Hong Chul is in the store at night time.  
You find that, and I will call her. Okay?

DOMINIC: (KO) when you contact her could you tell her that I am trying to contact her but I couldn't.

HN3960: (KO) okay, thank you for coming today, take care, bye.  
Call me whenever you are off, whenever.

HN3960: (answer phone) hello, hello, yeah, kb? Where is the kb? On the top, the movie theater side? The big parking lot. Right? Okay, alright, yeah, already, I am in front of McDonald. Okay. Okay.

2/07/07  
Park → Bosley  
1:44pm

CALL TO BOSLEY BY HN3960

01:44PM

HN3960 : Hello, it's me

MEE K BOSLEY : Hello, Hi brother

HN3960 : have you talk with Inkyuk to verify? On the phone?

MEE K BOSLEY : no, I have not... (Inaudible) I wasn't able to talk because someone else with us.

HN3960 : you haven't? Would you make sure this as fast as you can, because those girls have to leave

MEE K BOSLEY : okay, okay.

HN3960 : money, because Dominic said he has not get money.

MEE K BOSLEY : okay, okay.

HN3960 : so would you talk again? He said he got the money except that money for girl's outgoing?

MEE K BOSLEY : what I heard was he even made reservation for air tickets.

HN3960 : yeah, he said he did not get money. So would you make sure that and call me?

MEE K BOSLEY : okay.

HN3960 : alright, bye



2/07/07  
Park & Kim  
1:50 pm

CALL TO DOMINIC BY HN3960 1:50PM

DOMINC : hello

HN3960 : hi, Inkyuk, hello

DOMINIC : yes.

HN3960 : It's me, Sung ho

DOMINC : yes, yes

HN3960 : I am sorry I could not answer the phone, I had a some guest, sorry  
that I didn't make it

DOMINIC : oh. Okay

HN3960 : does mee joo(Bosley) call? I have meet her and talk few days ago on  
the phone about the money. I told her that Inkyuk did not receive money.  
So she told me that she will verify and call me, I am still waiting her call.

DOMINC : oh, she has not call me but few days ago, I have an encounter with  
Her. At that time she told me that she will give me call but she never  
did.

HN3960 : she did not.

DOMINIC : she said the number is not belonging to her, she doesn't have...

HN3960 : I told her one of the girls has to leave soon as possible, so I ask her  
Verify it as earliest possible. Because we gave her money but you  
Have not receive it.  
It was four hundred dollars for a girl's departure but you have not  
Get it. Right?

DOMINC : yes, also I have some amount of money that I have not receive except  
This.



HN3960 : you meant, beside this, she has to give you money?

DOMINIC : yes.

HN3960 : we have hand her four hundred dollars for I-94 per person and  
For departure. But you said you haven't receive?

DOMINIC : yes.

HN3960 : how about four hundred dollars that gave you at the beginning?

DOMINIC : yes, I have receive

HN3960 : so you meant, the money for girl's outgoing, have not hand to you?

DOMINIC : yes.

HN3960 : oh, this is urgent. The girl has to leave soon, she has overstayed  
She is all anxiety. Anyhow if she calls you told her that you spoke me

DOMINIC : when does she want to leave?

HN3960 : that's why, I am telling you ,we still wait, and I haven't gotten  
answer.

DOMINIC : oh.

HN3960 : the girl kept asking me, but I have to make sure you and mee joo  
Have set that. So I told mee joo to call you and we talk after that.

DOMINIC : okay.

HN3960 : call me. I am sorry again that I couldn't answer your phone.

DOMINIC : yes.bye.

HN3960 : bye.



U.S. Immigration  
and Customs  
Enforcement

STATEMENT OF RIGHTS

Before we ask you any questions, it is my duty to advise you of your rights.

You have the right to remain silent.

Anything you say can be used against you in court, or other proceedings.

You have the right to consult an attorney before making any statement or answering any questions.

You have the right to have an attorney present with you during questioning.

If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now, you still have the right to stop the questioning at any time, or to stop the questioning for the purpose of consulting an attorney.

WAIVER

I have had the above statement of my rights read and explained to me and I fully understand these rights. I waive them freely and voluntarily, without threat or intimidation and without any promise of reward or immunity. I was taken into custody at 5:12 am (time), on July 31, 2007 (date), and have signed this document at 5:30 am (time), on July 31, 2007 (date).

In Hyuk Kim  
Print Name

I. H. K.  
Signature

WITNESS: Dickard Flores

DATE: 07/31/07

WITNESS: Tony Stevens

DATE: 7/31/007



DEPARTMENT OF THE TREASURY  
UNITED STATES CUSTOMS SERVICE

AFFIDAVIT

STATE OF: \_\_\_\_\_)

COUNTY OF: \_\_\_\_\_)

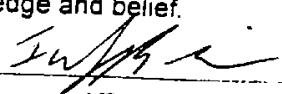
1. In Hyuk Dominic Kim

Who after being duly sworn states the following:

I first started sending I-94 that was given to me by Suh/Wonbae. This happened back in 2003. I had received from him was \$400 and to drink at the Club he owned Club Volvo. I do not recall how many I sent out, but it was around 10. Suh/Wonbae informed other owner such as Yuji and Acna who owned Big mama. I probably sent ~~around~~ <sup>around</sup> 4 I-94 per their request and received \$300 per person. I then met Ms. Noh who was close with Acna of Big Mama. Ms Noh later worked at Yeoboo Club where I sent 5 I-94 as she requested and received \$300 per person. I received I-94 from Yijue as request by Ms. Noh. I am thinking I received around 4 in early 2006 and 5 additional late 2006. I was told \$ was for the request of Park/KwangHo and was paid \$1200 for all 4 people and didn't get the other 400 as promised. My last I-94 I sent was early 2007 or late

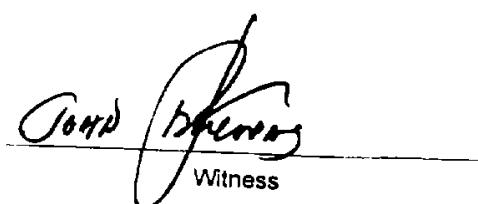
The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to  
before me this 31 day  
of July, in the year  
2007



Affiant

  
Special Agent

  
Witness



AFFIDAVIT (continuation)

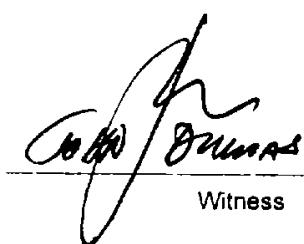
2006. After the first ~~two~~ two or three years of send I-94 illegally, I heard rumors of investigation. I stopped sending I-94 but still received money to send the I-94. I just ~~threw~~<sup>threw</sup> the I-94 away and made it seem the I-94 was sent. Because I work at the airport, people will call me to get information about someone being in secondary or If some came to Guam. In no way did I know that someone was coming unless they were not released by CBP and the manager or owners will call me about a certain passenger. In no way did I falsify in the interpretation conducted. I may know or assume their intent was for working but I am there to interpret the best I can. I received phone calls from Mr. Choi Byoungkuk when <sup>th</sup> asking me about Mr. Kim/Douglas. I asked him how he knew Mr. Douglas Kim and how he is associated with him. All he told <sup>th</sup> me was that someone else was asking. I told him he was held by customs I met Mr. Choi/Byoung Kuk when he came to Guam for his honey moon. I was asked by Mr. Kim/Yong Sik to drive them around. It was Mr. Yong Sik through Yuji of Big Mama to drive and guide Mr. Sa Yong Kim when he came to Guam for his Honey Moon. In no way was I connected with <sup>th</sup> with drugs being brought into Guam

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to  
before me this 31 day  
of July, in the year  
2007

  
Affiant

  
Richard J. Flory  
Special Agent

  
Celia Douglas  
Witness

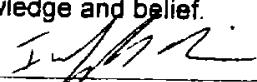
Page 2 of 3

## AFFIDAVIT (continuation)

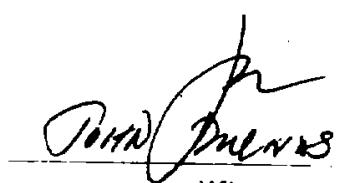
I had dropped <sup>it</sup> Met Mr. Kim/YongSik before he left Guam. I had picked him up at M&M spa and went to Yang Sunma Club before I dropped him at the airport. He showed me his green card and also informed me that I wouldn't be able to reach him until he takes care of some business with police. He said he would be arrested as soon as he arrives in Korea. This was the last I heard from him. It was later that I was told that he was involved in smuggling drugs. I only found out through Mr. Kim/Sa Yong because he was asking to find out what had happen to Mr. Kim/DooHwan. Mr. Sa Yong told me that Mr. DooHwan was involved in smuggling drugs this was a month after the drug smuggling Incident. I had to go to the consulate and find out his whereabouts. The only money I received from Mr. Sa Yong Kim was not for me but to buy books for Mr. Dohwan Kim. I had dropped off books at agana Precint.

The contents of this statement are true and correct to the best of my knowledge and belief.

Subscribed and sworn to  
before met this 31 day  
of July, in the year  
2007.



Affiant

  
Richard Flores  
Special Agent  
Portia Flores  
Witness

Page 3 of 3

## OFFICIAL USE ONLY

DEPARTMENT OF HOMELAND SECURITY ICE	PAGE 3
REPORT OF INVESTIGATION CONTINUATION	
CASE NUMBER GM16CR06GM0005	
REPORT NUMBER: 005	

On July 25, 2007 In Hyuk KIM aka "Dominic" and Mi Kyung BOSLEY were indicted by a federal grand jury in the District of Guam for Conspiracy to commit Alien Smuggling, a violation of 8USC1324, 18USC371 and 18USC2. Arrest warrants were issued.

On July 31, 2007 at about 5:10 a.m., with the assistance of Guam Customs and Quarantine Agency personnel, KIM was arrested in the employee parking lot of the Guam International Airport as he was getting off from work. Special Agent (SA) Richard Flores along with Task Force Agent (TFA) Erwin Fejeran served KIM a copy of the warrant of arrest and indictment. SA Flores informed KIM that he was being arrested pursuant to the warrant and that he was being transported to the RAC/Guam office for processing.

At about 5:30 a.m., SA Flores advised In Hyuk KIM of his constitutional rights at the RAC/Guam office, as witnessed by SA John Duenas. KIM acknowledged, signed and waived his rights and agreed to cooperate with the investigation. KIM provided the following statements to SA Flores and SA Duenas:

A. KIM, a naturalized U.S. citizen and long time resident of Guam, began his employment with Korean Air in 2003 as a passenger service agent.

B. KIM stated that he was first asked by Won Bae SUH, the owner of Club Volvo, to submit an I-94 Departure Record for one of his Korean female employees to Customs and Border Protection (CBP) to make it appear the Korean female had left prior to the expiration of her authorized stay under the Guam tourist (GT) Visa Waiver Program. KIM explained that he does not remember the female's name and that he only recalls her as being an employee of SUH.

C. KIM received a copy of the female's passport and her original I-94 from SUH and then turned in to CBP the I-94 along with other I-94 Departure records of legitimate departing passengers of Korean Air flights. This would then allow for the employee to remain on Guam past the authorized fifteen days undetected as a Guam Visa Violator or GT overstay.

D. KIM claimed that initially he received free drinks from SUH's Club in exchange for his service.

E. KIM explained that when the GT overstay wished to return to Korea he would change some of the information such as the date of birth of the departing passenger in the Korean Air computer system to reflect on the flight manifest and not reflect information of the individual's original I-94 that KIM submitted to CBP officials.

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GOVERNMENT  
EXHIBIT

## O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY  
ICE

PAGE 4

R E P O R T O F I N V E S T I G A T I O N  
C O N T I N U A T I O NCASE NUMBER GM16CR06GM0005  
REPORT NUMBER: 005

F. KIM continued to assist SUH with I-94s for approximately a year and as eventually paid \$300.00 to \$400.00 per I-94 Departure Record that he submitted to CBP. KIM claims to have assisted SUH with approximately ten I-94s within one year. KIM stated that he knew the scheme of submitting I-94s to CBP was illegal.

G. Won Bae SUH eventually told other Korean Bar owners of KIM's ability to falsify the departure of Guam Visa Waiver visitors which prompted others to seek KIM's assistance. KIM explained that he was approached by the owners of Big Mama Lounge, located in the Royal Orchid Hotel in Tumon, Guam. KIM was only able to identify the owners as Yuji and Aena, both Korean female. KIM claimed to have submitted approximately five I-94s between the years 2004 and 2005. He claimed to have received \$300.00 per document.

H. KIM then explained that he met Ms. Noh, owner of Club Yeobo, by introduction from the owners of Big Mama Lounge. He explained that he received and sent out approximately five I-94s for Ms. Noh at Club Yeobo and charged her approximately \$400.00 for each document.

I. He also met a Korean female named Yi Jie who was the owner of Apple Lounge through Ms. Noh. KIM said that he received nine I-94s from Yi Jie. KIM recalled that he received about five I-94s in the beginning of 2006 and approximately four more in late 2006. In late 2006, he recalled that he was only paid for three of the four I-94s that were given to him. 29

J. KIM also explained that during the year 2006 he heard rumors of an investigation at the airport, which lead him to discard the I-94s he received opposed to turning them into CBP. He stated that he still continued to assist in the departure of the GT overstays by changing their passenger information as they checked in for their Korean Air flights back to Korea.

K. KIM further described how he would receive phone calls at work from people he knew who would ask if certain female passengers posing as Guam Visa Waiver Tourists had passed through immigration inspection. He explained that he would only inform the callers if the passengers were in CBP secondary inspection.

L. KIM concluded the interview and provided a written statement in regards to this investigation to SA Richard Flores as witnessed by SA John Enas.

On July 31, 2007 at about 10:30 a.m., In Hyuk KIM appeared in the District Court of Guam for his initial appearance. KIM was released on his own recognizance pending trial scheduled for September 24, 2007.

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